

Appl. No. 10/038,006
Amdt. dated December 22, 2004
Reply to Office Action of September 28, 2004

PC 5711-DI-01-CMB

REMARKS

Claims 1-2, 16-29 and 31-32 are currently pending. Claim 1 has been amended. Claim 3 has been cancelled because it is redundant in view of the amendment to Claim 1. Applicants reserve the right to pursue the claims covering the cancelled subject matter in a divisional application.

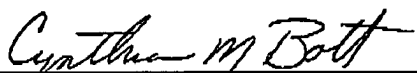
The Examiner has rejected Claims 1, 16-28, 31 and 32 as being "improper Markush claims in the definitions of the X_1 - X_4 ring members, and the B, D, E, G, J and K substituents groups." The Examiner further notes that "The resulting total compounds lack common core and are structurally diverse and patentably distinct one from the others." Applicants have addressed the Examiner's concerns by amending Claim 1 to limit the "common core" to compounds in which X_1 - X_4 are C, F is N, and E is O. Applicants believe that this adequately defines a "common core." Therefore, Applicants request reconsideration and withdrawal of the Improper Markush Rejection.

The Examiner notes, "unsubstituted and simple substituted ring systems are known in the art. See the two cited Chemical Abstracts references, for example." While the Examiner has not made a formal rejection based on these references, in order to expedite allowance of the pending claims, G and J have been amended so that they cannot be absent. B has been amended so that it cannot be H.

Based on the Amendments and Remarks above, Applicants believe that the claims are in condition for allowance. The Examiner is encouraged to contact the Applicants' undersigned attorney to discuss this matter if any questions should arise upon further examination of the pending claims.

Respectfully submitted,

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